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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 NATHANIEL WILLIAMS,

Case No. 3:21-cv-00082-MMD-CLB

7 Plaintiff,

ORDER

8 v.

9 M. WARD, *et al.*,

10 Defendants.

11 **I. DISCUSSION**

12 Plaintiff Nathaniel Williams initiated this action with an application to proceed *in*  
13 *forma pauperis*, and a civil rights complaint under 42 U.S.C. § 1983. (ECF Nos. 1, 1-  
14 1.) Williams has now filed a motion requesting that the Court dismiss this case without  
15 prejudice. (ECF No. 4.) Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may  
16 dismiss an action without a court order by filing “a notice of dismissal before the  
17 opposing party serves either an answer or a motion for summary judgment.” Fed. R.  
18 Civ. P. 41(a)(1)(A)(i). The Complaint has not been served on the Defendants, and,  
19 thus, the Defendants have not filed an answer or a motion for summary judgment.  
20 Accordingly, the Court grants Plaintiff’s motion to voluntarily dismiss this action without  
21 prejudice.

22 **II. CONCLUSION**

23 For the foregoing reasons, it is ordered that the motion for voluntary dismissal  
24 without prejudice (ECF No. 4) is granted.

25 It is further ordered that this action is dismissed in its entirety without prejudice.

26 It is further ordered that Plaintiff’s application to proceed *in forma pauperis*  
27 (ECF No. 1) is denied as moot.

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The Clerk of Court is directed to close this case.

DATED THIS 18<sup>th</sup> Day of May 2021.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE